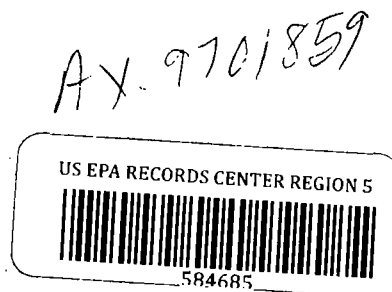


MAR 05 1997



R-19J

Honorable Micheal R. White
Mayor of the City of Cleveland
Cleveland City Hall
601 Lakeside Avenue
Cleveland, Ohio 44114

Re: Former Schmidt Brewery Site
9300 Quincy Avenue
Cleveland, Ohio

Dear Mayor White:

Thank you for your letter dated February 20, 1997, regarding the health and safety issues that exist at the former Schmidt's Brewery Site at 9300 Quincy in Cleveland, Ohio. I am aware of the efforts made by the City of Cleveland to cleanup and develop brownsfield properties and to provide economic development for your neighborhoods. The United States Environmental Protection Agency (U.S. EPA) is committed to working with state and local authorities to achieve these goals.

As you are aware, on July 23, 1992, in response to a referral from the City of Cleveland, U.S. EPA filed a complaint seeking injunctive relief and civil penalties under the Clean Air Act to address asbestos contamination found at the site. As a result of this action, the asbestos at this site was abated, the buildings were razed and the owners of the site paid a \$205,000 civil penalty. During the course of the asbestos abatement the contractor on site notified U.S. EPA that a PCB transformer located in the basement of one of the buildings had been vandalized resulting in a PCB spill. The ensuing cleanup has been ongoing for the past three years and has been hindered firstly by the extraordinary circumstances of this spill (the PCBs migrated through seams in the fractured shale bedrock beneath the building) and secondly by contract disputes between various contractors and the property owners.

Throughout this process U.S. EPA has always maintained that the owners must remediate the PCB contamination to acceptable levels and do this in accordance with all federal, state and local laws. The fact that the site has not been consistently maintained in a way that protects the residents of this neighborhood from injury is of great concern to me. U.S. EPA has required that the site be maintained in a way that protects the public, accordingly, the owners erected fences around the site on two separate occasions; unfortunately, on both occasions, vandals tore the fences down. U.S. EPA has also demanded that the remediation be completed as quickly as possible. In a letter dated January 23, 1997, U.S. EPA informed the estate that the work

stoppage, as well as the many other delays in this project, were totally unacceptable and would carry the consequence of the maximum penalty allowed under Toxic Substances Control Act (TSCA) of \$25,000 per day per violation.

I am aware that rolloff boxes containing PCB contaminated material are being stored on site. These rolloff boxes are regulated by TSCA which states that the boxes must be secured at all times and that the contents must be disposed of within one year of the date first stored for disposal. Failure to maintain the tarps as a protective covering, or to dispose of the contents within one year, constitute violations of the regulations regarding storage of PCBs for disposal. The appropriate civil penalties will be assessed for these and any other violations when U.S. EPA files an administrative complaint for TSCA violations at this site. This will be the second complaint issued by U.S. EPA against the owners of this site for violations of environmental laws.

Prior to your visit to the site, U.S. EPA scheduled a meeting with the owners to discuss the work stoppage, and the enforcement actions that U.S. EPA was about to undertake to secure the site and complete the remediation. The City of Cleveland was invited to/and participated in this meeting with the owners, along with the Ohio Environmental Protection Agency (OEPA). An agreement was reached that the owners would provide a security guard on site on weekends and during non-working hours, the owners would immediately begin to pump standing water from the excavation area, excavation would resume as soon as the water was removed, water tanks placed dangerously close to streets would be moved to safer locations and that the rolloff boxes would be properly maintained.

I am pleased that the City, under its authority to remedy a hazardous condition or public nuisance, temporarily secured the rolloff boxes, constructed jersey barriers between the water tanks and the street, and barricaded the entrance to the excavation pit. Likewise, I am pleased that OEPA under its authority has required that the underground storage tanks be removed from the site. U.S. EPA continues to oversee the PCB remediation and is currently evaluating the site for a potential emergency response action to complete the remediation should there be another work stoppage or unnecessary delay. U.S. EPA also plans to issue a TSCA civil complaint during the first week of April.

Your request for a meeting/invitation with Administrator Carol Browner is under consideration, and you will be contacted separately concerning that request. On February 28, 1997, David Ullrich, Deputy Regional Administrator, met with you to tour the site and express my commitment to using every resource available to this Agency to not only remediate the environmental hazards, but to leave this property in a condition that will not be an eyesore to the residents of this community. A. R. Winkhofer, Manager, U.S. EPA Cleveland Office and other members of my staff attended a public meeting held later that evening to address questions and concerns about the site. They will continue to work with the city to ensure proper cleanup of the site.

I believe that with the continued cooperation of City and State authorities the goal of returning this site to a safe and useful property can be achieved to everyones satisfaction. My staff will continue to treat this site as a top priority and will be available to address any issues that may arise.

Feel free to contact Mr. Winklhofer at (216) 522-7260 with any issues involving this site or contact Kendall Moore of my staff at (312) 353-1147 if you have any questions concerning the progress of the PCB remediation.

Sincerely,

/s/ original signed by
Valdas V. Adamkus

Valdas V. Adamkus
Regional Administrator

Honorable Michael R. White
Mayor of the City of Cleveland
Cleveland City Hall
601 Lakeside Avenue
Cleveland, Ohio 44114

cc: Carol Browner, Administrator
AO-Ms. Wonkovich
AO-Ms. Schwarz
Enforcement & Compliance Assurance
Prevention, Pest & Toxic Sub
Solid Waste & Emerg Resp
Reg Oper & State/Local Rel

Control RIN AX97D1950 PTB #280
Due Date: 3-5-97

Honorable Michael R. White
Mayor of the City of Cleveland
Cleveland City Hall
601 Lakeside Avenue
Cleveland, Ohio 44114

bcc : ORA w/control slip

AX w/control slip

ORA Reading File

Shirley Dorsey, U.S. EPA

Tony Restaino, U.S. EPA

Kendall Moore, U.S. EPA

Pesticides & Toxics Branch (yellow copy w/ attachments)

Patricia J. Britt, City Council Member

Donald R. Schregardus, OEPA

Tom Buchan, OEPA

William Skowronski, OEPA

Richad Stern, Owner

Sarah Compton, Owners Counsel

Tim Basilone, Owners Consultant

Susan Perdermo, USEPA

Rich Winklhofer, USEPA/EDO

Jason Eisen, USEPA/EDO

Joe Fredel, USEPA/EDO

John Gierczak, USEPA/EDO

Rich Karl, USEPA

Control: RIN AX97D1859 PTB #280

Due Date: 3-5-97

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REED

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